

Appl. No. : **10/811,340**
Filed : **March 25, 2004**

REMARKS

Applicants have amended claim 1, have cancelled claims 2-12 and 22-41, and have added new claims 42-51. Accordingly, claims 1 and 42-51 are pending.

The amendments and the new claims are fully supported by the specification as initially filed and, as such, do not introduce any new matter. Support for the amendments and the new claims is found throughout the specification and the figures, for example, at:

- Figures 1A, 1B, and 1C and Paragraph [0046] for the amendments to claim 1 and for new claims 42, 46, 48 and 49.
- Figures 10A and 10B for new claims 43-45, 47, and 51.
- Paragraph [0046] for new claim 50.
- Figures 10A and 10B for the new claim 51.

Applicants have considered the Office Action of October 11, 2007 fully and respond to all of the Examiner's objections and rejections below.

Rejections under 35 U.S.C. § 102(b)

Tacey

Claims 1, 2, 21, 22, and 41 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Tacey (GB 2231502). Applicants respectfully traverse.

Tacey describes a toy system for children, as opposed to for animals. *See*, for example, page 1, lines 3-4, and page 2, lines 15-18. The toy blocks of Tacey comprise holes having formations, which comprise alternate projections and slots arranged in a ring or a square. Tacey, page 1, line 22 to page 2, line 12.

The Examiner alleges that the Tacey formations comprise a flared snap fit connection. Office Action, page 2, penultimate paragraph. Applicants respectfully traverse this reading of the reference. The word "flare" means "widen gradually in upward or downward direction." The Concise Oxford Dictionary, 7th Edition, 1982. Thus, when a connection is "flared," it necessarily means that its diameter increases moving from a point on the connection towards the rim.

Applicants respectfully point out that the formations of Tacey are not flared. Instead, as can be seen from Tacey's Figures 1-5, the projections extend directly outward from the block.

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The diameter formed by the projections, i.e., the distance between one point on one projection to the corresponding point on a projection directly across, does not change between the block and the rim of the projections. Thus, the figures show projections that are not flared.

Further, Tacey's toys are designed such that they are readily separated by a young child. Tacey discloses:

The formations preferably provide a friction fit between engaged blocks, the projections and slots being suitably sized therefor. The friction fit is preferably sufficient to hold blocks together but not prevent ready separation of blocks, particularly by a young child.

Tacey, page 2 lines 14-18. The projections and slots, therefore, are meant to fit together such that a child can take the blocks apart and separate them. These projections are designed to prevent lateral movement of the blocks when they are stacked, so that the blocks are stacked neatly. They are not meant to interlock the blocks so that only the application of force can separate the blocks. This end is achieved by having projections that are not flared so that they are not forced into the slots and do not result in interlocked blocks.

By contrast, the presently claimed animal toys comprise a top hole having a flared rim. The flared rim is disclosed in the specification at Paragraph [0042] and shown in Figures 1A, 1B, and 1C (114 and 128). Applicants have amended the independent claim 1 to state explicitly what the word "flared" encompasses implicitly and what is shown in the figures, that the diameter of the flared rim of the top hole at a first point is greater than the diameter of the top hole at a second point, where the second point is more proximal to the chamber than the first point. The claims are therefore directed to a top hole having a flared rim, where the diameter of the hole at the rim is greater than the diameter of the hole anywhere else between the rim and the body, and that the diameter of the hole at a point closer to the rim, and further from the body, is greater than the diameter of the hole at a point further from the rim and closer to the body.

Furthermore, as explicitly state in the claims, when the flared rim of one toy is inserted into the side hole of another toy, the toys become interlocked. As shown in Figures 1A, 1B, and 1C, after the flared rim is inserted into the side hole, the two toys cannot be readily separated. This arrangement is particularly useful because the claimed toy systems are for the use of animals and one does not wish the toys to become readily separated when an animal, such as a dog, is playing with the toys.

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The intended use of the toy systems presently claimed is completely different than the intended use of the toys of Tacey. Tacey contemplates a toy that a child can assemble and disassemble with relative ease. The presently claimed toy systems are for animals to play with such that the toys do not come apart during the play. The different intended uses give rise to different structural designs for the toys. Tacey provides a projection/slot mechanism so that the toys fit together but are not interlocked. Therefore, Tacey does not provide a flared rim on the projections as that would be contrary to the intended use. By contrast, the presently claimed toy systems comprise a flared rim on the top hole to prevent the toys from coming apart readily during the use.

Applicants respectfully submit that Tacey does not disclose or teach at least one limitation of the present claims, namely the flared rim of the top hole. Therefore, Applicants respectfully submit that Tacey does not anticipate the present claims.

Mann

Claims 1, 2, and 41 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Mann (US Patent Application Publication No. 2001/0008125). Applicants respectfully traverse.

Mann is directed to a pet toy configured to hold a replaceable attractant that can hold the attention of a pet. Mann discloses:

The present invention is directed to a non-consumable pet toy for rigidly holding a *replaceable sensory attractant, such as a dog biscuit or other treat*, wherein the attractant is held by the toy over a substantial portion of its surface so is [sic, it] cannot be quickly broken or dislodged, and wherein the attractant is not subjected to shear forces that could break the attractant during insertion into the toy. (Emphasis provided.)

Mann, page 1, paragraph [0010]. The Examiner states that the toy disclosed by Mann comprises a first toy having a food chamber (Mann Fig. 1 #12 and 14) and a second toy (Mann Fig. 1 #44). Office Action, page 3, last paragraph. However, a reading of Mann reveals that #44 in Figure 1 is not a toy. Mann states:

With the attractant fully inserted in cavity 14, the force of arrows 38 is released, allowing the body of the toy to relax, resulting in walls 18 and 20 compressing against *external surfaces 44 of the attractant*, retaining the attractant under the compressive force of the relaxed body. (Emphasis provided.)

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Mann, page 3, paragraph [0034]. Therefore, what the Examiner refers to as the second toy is in fact the external surface of an attractant.

Further, Mann does not disclose or suggest a toy system where the two separate toys have a top hole with a flared rim, a side hole configured to receive the flared rim, so that when the side hole receives the flared rim the two toys are interlocked. Because at least the above elements are missing in Mann, Applicants respectfully submit that Mann does not anticipate the presently pending claims.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 102(b).

Applicants further submit that none of the cited references suggest the toy system presently claimed or provide the motivation to manufacture the presently claimed toy system. Applicants respectfully submit that the elements of the claimed toy system are not separately found within the cited art and that the claimed toy system cannot be had by merely putting together elements disclosed in the cited art.

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CONCLUSION

Applicants have amended claim 1, have cancelled claims 2-12 and 22-41, and have added new claims 42-51. Accordingly, claims 1 and 42-51 are pending.

Applicants have endeavored to respond to all of the Examiner's objections and rejections raised in the Office Action of October 11, 2007. In view of the amendments and remarks set forth herein, Applicants believe that the present claims are patentable and request a notice to that effect.

No fee is believed due with respect to this response. Applicants invite the Examiner to call the undersigned if any issue can be resolved through a telephonic discussion.

Respectfully submitted,

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